

HAROLD J. MILSTEIN (No. 145074)  
HELLER EHRMAN LLP  
275 Middlefield Road  
Menlo Park, California 94025  
(650) 324-7000  
(650) 324-0638 (fax)  
harold.milstein@hellerehrman.com

Attorneys for Plaintiff  
SPOTLIGHT SURGICAL, INC.

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

SPOTLIGHT SURGICAL, INC.,

Plaintiff,

v.

DEPUY, INC. and DEPUY SPINE, INC.,

Defendants.

Case No. C-07-03362 JF

**STIPULATION (FOURTH) AND  
[PROPOSED] ORDER TO CONTINUE  
CASE MANAGEMENT CONFERENCE  
AND RELATED DEADLINES**

Plaintiff Spotlight Surgical, Inc., on the one hand, and defendants DePuy, Inc. and DePuy Spine, Inc., on the other, hereby stipulate and agree, through their respective counsel, as follows:

1. The Court's Order To Continue Case Management Conference And Related Deadlines entered on January 8, 2008 sets forth the following deadlines:

**February 6, 2008**

Last day to:

- meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan; and
- file Joint ADR Certification with Stipulation to ADR Process or Notice of Need for ADR Phone Conference.

**February 20, 2008**

Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement.

**February 29, 2008**

Initial Case Management Conference (CMC) in Courtroom 3, 5<sup>th</sup> Floor, SJ at 10:30 a.m.

2. The parties have been engaged in settlement discussions to resolve this litigation and have reached a settlement in principle, subject to the parties' entry into a mutually acceptable settlement agreement.

3. The parties wish to continue the Initial Case Management Conference and extend the deadlines for the parties to meet and confer regarding initial disclosures, early settlement, ADR process selection, and discovery plan; file Joint ADR Certification with Stipulation to ADR Process or Notice of Need for ADR Phone Conference; and file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement, all for approximately 30 days, in order to conserve the resources of the parties and the Court and to allow the parties time to finalize settlement.

4. There being good cause, the parties hereby stipulate and respectfully request that the Court issue an Order resetting the above deadlines as follows:

**March 7, 2008**

Last day to:

- meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan; and
- file Joint ADR Certification with Stipulation to ADR Process or Notice of Need for ADR Phone Conference.

**March 21, 2008**

Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement.

**March 31, 2008**

Initial Case Management Conference (CMC) in Courtroom  
3, 5<sup>th</sup> Floor, SJ at 10:30 a.m.

Dated: January 29, 2008

HELLER EHRMAN LLP

By \S\ HAROLD J. MILSTEIN  
Harold J. Milstein

Attorneys For Plaintiff SPOTLIGHT  
SURGICAL, INC.

Dated: January 29, 2008

MORGAN, LEWIS & BOCKIUS LLP

By \S\DIAN MASON  
Diane Mason

Attorneys for Defendants DEPUY, INC. and  
DEPUY SPINE, INC.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: \_\_\_\_\_

\_\_\_\_\_  
The Honorable Jeremy Fogel  
United States District Judge